

ORIGINAL INTERVENTION



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COUNSEL FOR THE KROGER CO.

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:

Doug Little, Chairman
Bob Stump
Bob Burns
Tom Forese
Andy Tobin

In The Matter Of The Application Of Arizona Public Service Company For A Hearing To Determine The Fair Value Of The Utility Property Of The Company For Ratemaking Purposes, To Fix A Just And Reasonable Rate Of Return Thereon, To Approve Rate Schedules Designed To Develop Such Return	:	
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Docket No. E-01345A-16-0036

MOTION FOR LEAVE TO INTERVENE OF KROGER CO.

The Kroger Co. ("Petitioner") hereby petitions the Arizona Corporation Commission ("Commission") for leave to intervene and participate in the proceeding concerning the application of the Arizona Public Service Company. In support of its Petition it states as follows:

1. Name and Addresses of Petitioner:

The Kroger Co.
Attn: Corporate Energy Manager (G09)
1014 Vine Street
Cincinnati, Ohio 45202
Telephone: 513-762-4538 Fax: 513-762-4012
E-mail: dgeorge@kroger.com

Arizona Corporation Commission

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1 **2. Name and Address of Attorneys Representing Petitioner:**

2 Kurt J. Boehm, Esq.
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11 **3. Name and Address of Consultant Representing Petitioner:**

12 Stephen J. Baron
13 J. Kennedy & Associates
14 570 Colonial Park Drive, Suite 305
15 Roswell, GA 30075
16 Ph: 770 992-2027 Fax: 770-992-0806
17 E-mail: sbaron@jkenn.com

18 Mr. Boehm is an out-of-state attorney licensed to practice in Ohio and Kentucky. Ms. Cohn is an
19 out-of-state attorney licensed to practice in Ohio and Kentucky. John William More, Jr., Esq., will serve
20 as local counsel to The Kroger Co. and has filed a pro hac vice motion seeking permission to have Mr.
21 Boehm and Ms. Cohn participate in this case. Mr. Moore requests that he not be placed on the service list
22 for this case so that he does not receive any paper copies of documents.

23 **4. Identify the Petitioner:**

24 Petitioner is a retail electric customer of the Arizona Public Service Company (the "Company").
25 Petitioner has numerous grocery stores and other facilities that purchase their electric supply from the
26 Company.
27
28

1 **5. Petitioner's Interest in this Proceeding:**

2 The Kroger Co. is a corporation engaged in the business of selling groceries at retail throughout
3 the United States. One of the largest retail food companies in the United States, The Kroger Co. operates
4 numerous grocery stores in the state of Arizona that purchase their electric supply from the Company.
5 These stores purchase millions of kWh of electricity from the Company annually. Petitioner is one of the
6 largest commercial customers served by the Company. The grocery stores operated by The Kroger Co.
7 are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution,
8 often on a 24 hour a day, 7 day a week basis. If the Company's application is granted, then the cost for
9 electric power service to Petitioner could be substantially impacted. Accordingly, Petitioner has a
10 substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by
11 any other party.
12

13 **6. Issues To Be Raised:**

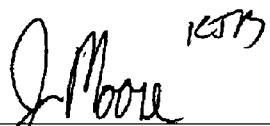
14 The primary issue the Petitioner intends to address in this case will be whether the rate increase
15 sought by the Applicant is reasonable and cost justified. We also intend to address whether the proposed
16 allocation of the rate increase and the design of the new rates are just and reasonable.
17

18 **WHEREFORE**, for the reasons set forth above, Petitioner requests that this Petition to
19 Intervene be granted.
20

21 DATED this 1st day of July, 2016.

22 
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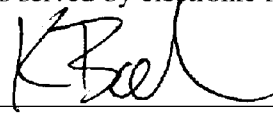


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COUNSEL FOR THE KROGER CO

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or regular U.S. mail 1st day of July, 2016 on the parties listed below.



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